

OFFER No.

1792

Name of the village:

Wazirabad.

Nature of acquisition:

Temporary.

INTRODUCTION:

The land situate in village Wazirabad is needed for temporary occupation and use for a public purpose namely for temporary occupation and use of the waste or arable land for digging of earth for the construction of a Bund on the left bank of Najafgrah Drain in village Wazirabad. The Chief Commissioner, Delhi vide notification No.F. 15(2)/65-LSG dated 21.1.65 directed the Land Acquisition Collector to procure the occupation and use of the land for a period of one year from the commencement of such occupation and use under the provisions of section 35(1) of the Land Acquisition Act, 1894.

Notice as required under section 35(2) of the Land Acquisition Act, 1894 was issued to the interested persons. Almost all the interested persons have responded to the notices.

'MEASUREMENT AND OWNERSHIP'

According to the notification under section 35(1) of the Land Acquisition Act the area under occupation and use is 144 big. and 10 biswas comprising khasra Nos. 35/2 min, 36/2 min, 40/2 min, 41/2 min, 42/2 min, 330/43 min, 331/43/2 min, 44/2 min, 45/2 min, 47/2 min, 48/2 min, 49/2 min, 50 min, 51 min, 52 min, 53/2 min, 54/2 min, 55/2 min, 56/2 min, 293/57/2 min, 292/57/2/2 min, 292/57/2/1 min, 58 min, 59 min, 60 min, 64 min, 65 min, & 66 min.

From further verifications made on the spot however it was found that the area under temporary acquisition is 145 bighas. Thus there is an excess of 10 biswas which is due to the divisions in the khasra Numbers. Hence I hold the area under occupation and use at 145 bighas to be true. The ownership of the land under occupation and use is as follows:-

Sl. No. Name of the owner.

Khasra No.

Area.

Balwant Singh, Anope
Singh ss/o Jandu in
equal shares 1/2.

2. Karan Singh s/o Chuni Lal.	292/57/2/2/2	10 - 12
3. Shiv Nath s/o Tara Chand.	292/57/2/1/1	3 - 12
4. Mahender Singh s/o Tej Ram, Ravi Dat, Om Dat, Manak Dat, ss/o Fateh Lal in equal shares 1/4	35/2/2 36/2/2 40/2/2 59/1 58/1	6 - 06 4 - 13 5 - 01 5 - 19 13 - 02 <u>35 - 01</u>
5. Har Saran s/o Banarsi Dass 7/10 shares, Khazani wd/o Hukam Singh-4 share, Attar Singh s/o Saguwa, Brahim Dat s/o Ram Chand-3 shares Attar Kali wd/o Ram Dass- 4 shares (total shares=23/10)	293/57/2/2	14 - 05
6. Chinta Ram, Balram ss/o Kalu -1/2 share, Ram Pal, Sukhbir Mahabir ss/o Lotus-1/4 share, Rattan Singh s/o Vidaya Kaur dt/o Nand Ram-1/4 share.	330/43 331/43/2/4	3 - 02
7. Jandu s/o Lakhpat-2/19 share, Attar Singh s/o Saguwa- 10/7 shares.	331/43/2	5 - 09
8. Shmt. Parsandi wd/o Yad Ram.	52/2/1 53/2/2 54/2/2	0 - 19 7 - 11 <u>3 - 11</u> <u>12 - 01</u>
9. Shmt. Khazani wd/o Hukam Singh.	41/2/2 42/2/2 49/2/2 51/1/1	3 - 04 3 - 06 0 - 06 <u>7 - 03</u> <u>13 - 19</u>
10. Mansa Ram s/o Lakhpat & Kabul s/o Man Singh.	44	2 - 18
11. Attar Singh s/o Saguwa, Brahm Dat s/o Ram Chand in equal shares.	45/2/3 55/2/2	4 - 15 <u>3 - 10</u> <u>0 - 05</u>

12. Mansa Ram s/o Lakhpat, Kabul Singh s/o Man Singh in equal shares.	56/2/2	8 - 00
13. Attar Kali wd/o Ram Dass.	43/2/2	0 - 02
	50/2	6 - 10
		6 - 12
14. Gaon Sabha.	64/1	4 - 09
	65/1	2 - 04
	66/1	1 - 15
		8 - 09
15. Har Sarain s/o Banarsi, Jandu s/o Lakhpat, Shmt. Parsandi wd/o Yad Ram, in equal shares 1/3, 1/4 Roopa, Jangi ss/o Santa in equal shares, Shiv Charan, Kartar Singh ss/o Giroso, Chanderpal s/o Paquira-1/4 shares of 1/8 share, Attar Kali wd/o Ram Dass - 1/8 share, Shmt. Khazani wd/o Hukam Singh 1/4 share of one share, Brahm Dat s/o Ram Chander, Attar Singh s/o Saguwa in equal shares 4/3, Shiv Nath s/o Tara Chand 1/3 share, Mahinder Singh s/o Tej Ram, R vi Dat, Om Dat, Manak Dat ss/o Fateh Lal-1/3 share of 2 shares.	47/2	7 - 08

G. Total..... 145 - 00

Note: There is Ghairmunkin Pucca Road measuring 2 bighas,
in khasra No.47/2. No compensation has been assessed
to this extent.

'CLAIMS AND EVIDENCE'

Sarvshri Jagan Nath Tyagi s/o Ram Dass and 23 others, residents of Village Wazirabad have jointly filed their claim petition through Shri H.S.Taigi Advocate stating that they all are the proprietors of the land under acquisition according to the shares entered in the Revenue Record. They further stated that khasra Nos. 64, 65, and 66 do not belong Gaon Sabha but to the claimants. They claimed the compensation for the temporary occupation and use of the land under acquisition @ Rs.200/- per year commencing from 15.1.1965. They further claimed the compensation for digging the earth @ Rs.1000/- per bigha for the first foot and Rs.800/- per bigha for second & further feet.

The claimants have not produced any evidence in support of their claims.

I have inspected the site. Along with the present temporary acquisition some lands quite adjacent are being permanently acquired in which the rate of Rs.650/- per bigha has been proposed. Thus the average sale value of the land can be fixed at Rs.650/- per bigha. However calculating the interest @ 4% of this value, the ~~compensation~~ comes to Rs.26/- per bigha for one year. An yearly rent is to be paid in addition to the compensation for excavation to the persons interested. The Executive Engineer, Drainage Division No.6 has given me to understand that the earth will be dug upto the depth of two feet only. Considering the temporary nature of acquisition I consider Rs.26/- per bigha as rent of the land per year. Similarly I consider Rs.26/- per bigha as compensation for excavating the land to the extent of two feet only. If however, the digging is exceeded beyond the two feet depth, the owners will have to be paid proportionately for the extra depth. Thus in all the compensation of Rs.52/- per bigha will be the fair and reasonable price for the land under temporary occupation and use for one year and I award accordingly.

During the site inspection it was found that there are some crops namely wheat and Jahai standing on the land measuring 63 bighas and 14 biswas, the details of which are as follows:-

Jahai	56 - 01
Wheat	7 - 13

As regards the value of Jahai crops, I have proposed Rs.45/- per bigha in the award which has been made for permanent acquisition of the land, and regarding the wheat crops, according to the settlement record the average yield of wheat per bigha comes to 2 maunds and 3 seers. With the use of improved seeds and fertilizers the yield of the wheat crops ~~has~~ increased to $1\frac{1}{2}$ times which comes to 3 maunds and $4\frac{1}{2}$ srs. Out of this, the yield of bhoosa is double, i.e. 6 maunds and 9 srs. Now a dam is being constructed on the river...

After deducting half towards the cost of cultivation, harvesting etc; the net value comes to about Rs.50/- per bigha. I, therefore, award Rs.50/- per bigha as value of the wheat crops standing on the land measuring 7 bighas and 13 biswas.

'APPORTIONMENT'

The compensation will be paid to the persons as recorded in the revenue record. The date of publication of notification under section 35(1) of the Land Acquisition Act i.e. 21.1.1965 will be treated as the date of commencement of occupation. The Acquiring department therefore, will return the possession of the land after the expiry of one year i.e. on 20.1.1966.

No compensation will be paid to ~~the~~ person who will cut the crops.

'THE OFFER IS SUMMARISED AS BELOW'

Compensation for 143 bighas and nil biswa of land @ Rs.26/- per bigha, as rent for one year.	Rs.3,718.00
Compensation for digging the earth upto two feet at the rate of Rs.26/- per bigha.	Rs.3,718.00
	<u>Rs.7,436.00</u>
Compensation for wheat crops on the land measuring 7 bighas 13 biswas @ Rs.50/- per bigha.	Rs. 382.50
Compensation for Jahai crops on the land measuring 56 bighas and 1 biswa @ Rs.45/- per bigha.	<u>Rs.2,522.25 NP</u>
	<u>Rs.10,340.75 NP</u>

(Zal Nowsherwanji)
Land Acquisition Collector,
Delhi Shahdara Circle,
DELHI.
19.3.1965

Submitted to the District Collector, Delhi for information and filing.